IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY
and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL Nos.39, 40, 41, 74, 75, 76, 77, 78, 79, 80, 101 and 104 of 2005.

WRIT APPEAL NO : 39 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No : 22118 of 2004 on the file of the High Court.)

Between:
Smt. D. Ameena Bee, W/o D. Alipeera,
D.No. 13/1/540, Mahatma Gandhi Colony
(Yerrenelu Kottala) Anantapur.

..... APPELLANT

AND
1 The Commissioner, Anantapur Municipality, Anantapur.
2 The Joint Collector, Anantapur.
3 Smt. D. Adilakshmi, C/o Chatrapati Shivaji Elementary School, Anantapur.

.....RESPONDENTS

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondent No.1 : MR.S.I.NEWTON, STANDING COUNSEL FOR MUNICIPALITIES (RAYALASEEMA AREA)

Counsel for the Respondent No.2: GP FOR REVENUE

WRIT APPEAL NO : 40 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No: 22113 of 2004 on the file of the High Court.)

Between:
Sri Mahalakshmi Mahila Podupu Sangam,
Rep. by B. Ganga Devi, W/o. B. Rajagopal,
R/o. D.No.6-3-497, Ramnagar Railway Gate, Anantapur.

..... APPELLANT

AND

1 The Commissioner, Anantapur Municipality, Anantapur.
2 The Joint Collector, Anantapur.
3 S. Narsamma, C/o. Jhansi Lakshmi Bai Elementary School,
DPEP Maruthi Nagar, Mangalavari Colony, Anantapur.
4 M.V. Lakshmi, C/o. Mother Theresa Elementary School,
DPEP Maruthi Nagar, Mangalavari Colony, Anantapur.

.....RESPONDENTS

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondent No.1: MR.S.I.NEWTON, STANDING COUNSEL FOR MUNICIPALITIES (RAYALASEEMA AREA)

Counsel for the Respondent No.2: GP FOR REVENUE

WRIT APPEAL NO : 41 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No : 22940 of 2004 on the file of the High Court.)

Between:
1. Bhagat Singh Voluntary Organization, Ananthapur
rep., by its Secretary and Member Secretary,
S.C.M.Basha, s/o S.C.Faleruddin, aged 47 years business,
r/o 19-110-A-307-15, Ramnagar, Ananthapur.
2. S.Mabu Sab, s/o S.Mohiuddin Sab,

r/o 19-110-A-307-15, Ramnagar, Ananthapur

..... APPELLANTS

AND

1. The Commissioner, Ananthapur Municipality, Anantapur.
2. The Joint Collector, Ananthapur
3. Smt.Tulasamma, c/o NVR Elementary School, 15th Ward, Anantapur. **.RESPONDENTS**

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondent No.1 : MR.S.I.NEWTON, STANDING COUNSEL FOR MUNICIPALITIES (RAYALASEEMA AREA)

Counsel for the Respondent No.2 GP FOR REVENUE

WRIT APPEAL NO : 74 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No : 22116 of 2004 on the file of the High Court.)

Between:

M/s. Sri Lakshmi Mahila Podupu Sangham padmavathi Neioghbourhood Committee rep by D. Rama Devi
W/o Rambabu, D.No. 13-2-896, Srinivasa Nagar, Anantapur

..... APPELLANT

AND

1 The Commissioner, Anantapur Municipality Anantapur
2 The Joint Collector, Anantapur
3 Smt. D. Lakshmi W/o Ramamurthy C/o Chandrasekhar Azad Elementary School, 12 Ward, Anantapur

.....RESPONDENTS

Counsel for the Appellant:MR.O.MANOHER REDDY

Counsel for the Respondent No.1: MR.S.I.NEWTON, STANDING COUNSEL FOR MUNICIPALITIES (RAYALASEEMA AREA)

Counsel for the Respondent No.2: GP FOR REVENUE

WRIT APPEAL NO : 75 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No : 22117 of 2004 on the file of the High Court.)

Between:
Smt. B. Mruthi, W/o B. Nagabhushanam,
R/o D.No. 27/76, Munna Nagar, Anantapur.

..... APPELLANT

AND
1 The Commissioner, Anantapur Municipality, Anantapur.
2 The Joint Collector, Anantapur.
3 Smt. G. Padmavathi, C/o Babu Rajendra Prasad Elementary School, 23rd Ward, Anantapur.

.....RESPONDENTS

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondent No.1: MR.S.I.NEWTON, STANDING COUNSEL FOR MUNICIPALITIES (RAYALASEEMA AREA)

Counsel for the Respondent No.2: GP FOR REVENUE

WRIT APPEAL NO : 76 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No : 22115 of 2004 on the file of the High Court.)

Between:
M/S. Indira Priyadarshini Neighbourhood Committee
rep. by Smt. J.Nagarathnamma W/o. J.Govindu
D.No.6-1-267 Lakshmi Nagar, Anantapur

..... APPELLANT

AND
1. The Commissioner Anantapur Municipality, Anantapur
2 The Joint Collector, Anantapur.
3 Smt. Reddamma C/o. Vidyaranya High School (E&T Medium) Anantapur

.....RESPONDENTS

Counsel for the Appellant:MR.O.MANOHER REDDY

Counsel for the Respondent No.1: MR.S.I.NEWTON

Counsel for the Respondent No.2: GP FOR REVENUE.

WRIT APPEAL NO : 77 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No : 22495 of 2004 on the file of the High Court.)

Between:
K. Sujatha, D/o. K. Ranganayakulu,
R/o. D.No. 19/621-C(Old), 19/778 (New) Rani Nagar,
Anantapur.

..... APPELLANT

AND
1 The Commissioner, Anantapur Municipality Anantapur.
2 The Joint Collector, Anantapur.
3 N.V. Sailaja, W/o. Nanda,
D.No. 20/3, Ambarapur Veedhi, Ananthapur.

.....RESPONDENTS

Counsel for the Appellant:MR.O.MANOHER REDDY

Counsel for the Respondent No.1: MR.S.I.NEWTON

Counsel for the Respondent No.2: GP FOR REVENUE

Counsel for the Respondent No.3: MR.S.NAGESWARA REDDY

WRIT APPEAL NO : 78 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No : 22269 of 2004 on the file of the High Court.)

Between:
C.Sarala, w/o C.Venkataswamy,
D.No.5-1-2(new) 5th Road, Nehru Poormen Colony,
Anantapur.

..... APPELLANT

AND

1 The Commissioner, Anantapur Municipality, Ananthapur.
2 The Joint Collector, Anantapur.
3 Sanjeeva Reddy, D.No.12-2-495, Anantapur.
4 Smt.L.Lakshmi devi, w/o Subba Reddy,
r/o D.No.12/57, Anantapur.

.....RESPONDENTS

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondent No.1: MR.S.I.NEWTON

Counsel for the Respondent No.2: GP FOR REVENUE

WRIT APPEAL NO : 79 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No: 22120 of 2004 on the file of the High Court.)

Between:
M/s. Gajalakshmi Podupu Sangham, Rep. by Smt. S. Sakuntala, W/o. S. Chennappa, D.No. 28/454/322, Navodaya Colony, Anantapur District.

..... APPELLANT

AND

1 The Commissioner, Anantapur Municipality, Anantapur.
2 The Joint Collector, Anantapur.
3 Smt. D. Sudha, C/o. Rahamat Municipal Elementary School,
28 Ward Navodaya Colony, Anantapur.

.....RESPONDENTS

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondent No.1: MR.S.I.NEWTON

Counsel for the Respondent No.2: GP FOR REVENUE

WRIT APPEAL NO : 80 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No : 22119 of 2004 on the file of the High Court.)

Between:
Smt.C.Lakshmi Devi W/o.C.V.Subba Reddy
Anantapur Dist.

..... APPELLANT

AND

1 The Commissioner Anantapur Municipality Anantapur
2 The Joint Collector, Anantapur Dist.
3 Smt.D.Saroja S/o.Aided Guild of service Elementary School, Anantapur Dist.

.....RESPONDENTS

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondent No.1: MR.S.I.NEWTON

Counsel for the Respondent No.2: GP FOR REVENUE

WRIT APPEAL NO : 101 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No : 22114 of 2004 on the file of the High Court.)

Between:
P.Govindu, S/o.P.Subbana
D.No.1-3-996, Somanatha Nagar,
Anantapur.

..... APPELLANT

AND

1 The Commissioner, Anantapur Municipality Anantapur.
2 The Joint Collector, Anantapur.
3 Smt.Rasheeda Bee, C/o.Indira Gandhi Elementary School, Indira Gandhi Nagar, Anantapur
4 Padmavathi, C/o.NTR Elementary School, Anantapur.
5 K.Narayanamma, C/o.Bharathi, CSA (A), Elementary School, Morarji, Old Town, Anantapur.

.....RESPONDENTS

Counsel for the Appellant:MR.O.MANOHER REDDY

Counsel for the Respondent No.1: MR.S.I.NEWTON

Counsel for the Respondent No.2: GP FOR SCHOOL EDUCATION

Counsel for the Respondent Nos.3 to 5: SRI K.V. SUBBA REDDY

WRIT APPEAL NO : 104 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/12/2004 in WP No : 22954 of 2004 on the file of the High Court.)

Between:

1. Bhavani Mahila Sangam, rep. by its President P. Malleswari W/o Late P. Krishna Murthy, aged 48 years, Occ: Business, D.No. 20/253, Amberapu Street, Old Town, Ananthapur.
2. Anusha Mahila Podupu Sangam, rep. by its President N.V. Sailaja W/o N.V. Nanda Kumar, D.No. 20/9, Amberapu Street, Old Town, Ananthapur.

..... APPELLANTS

AND

1 The Commissioner, Anantapur Municipality, Anantapur.
2 The Joint Collector, Anantapur.
3 Smt. J. Ramanamma, W/o J. Chalapathi, D.No. 20/294, Amberapu Street, Old Town, Ananthapur.

.....RESPONDENTS

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2: GP FOR REVENUE.

The Court at the stage of admission made the following:

COMMON JUDGMENT: (Per BRSR,J)

Aggrieved by the common order, dated 29.12.2004, passed by the learned single judge dismissing the writ petitions filed by the appellants herein, the present batch of appeals has been preferred by them.

The appellants herein filed the writ petitions challenging the proceedings, dated 17.11.2004, of the Commissioner, Anantapur Municipality, whereby some new implementing agencies were sought to

be entrusted with the work of cooking mid-day meal in the schools. The appellants are the existing implementing agencies. The District Collector and District Magistrate, Anantapur *vide* proceedings, dated 28.12.2002, granted approval of the implementing agencies identified by the Municipalities concerned for implementing the mid-day meal programme in the urban areas with effect from 02.01.2003. The appellants herein are the identified implementing agencies. The proceedings of the District collector itself reveal that the amounts released by the Government for the implementation of the programme may have to be released to the Mandal Revenue Officer concerned, who in turn distributes the amount to the implementing agencies based on the requirement.

That the predominant purpose of engaging the services of the implementing agencies is to entrust them with the work of cooking so that the scheme is properly implemented and the students derive the benefit of the scheme. It is meant for the welfare and benefit of the students. Even the proceedings of the District Collector, referred to hereinabove, does not confer any right upon anyone of the implementing agencies. The implementing agencies are not expected to convert this scheme into any profit making ventures. May be in the process, the actual personnel involved may derive semblance of wage, but the scheme is not intended to provide any employment to any individual or implementing agencies. In the circumstances, we are of the opinion that the proceedings of the District Collector approving the list of identified implementing agencies by the Municipality itself does not confer any indefeasible right upon any one of the implementing agencies or individuals consisting of such implementing agencies.

The Commissioner, Anantapur Municipality *vide* impugned proceedings, dated 17.11.2004, pursuant to the directions of the

Government to review the performance of the implementing agencies and to effect changes, whenever necessary, decided to make certain changes in implementing agencies with a view to rationalize the allotment of schools in uniform manner to the extent possible to provide an opportunity to some more agencies and wage employment. It is in the said process of implementing the rationalization programme that some of the schools and students, which were earlier allotted to the appellants herein are sought to be allotted and made over to the new implementing agencies. It is in the same process of achieving the avowed object of rationalization.

The impugned proceedings, dated 17.11.2004, which is challenged before us, in our considered opinion, in no manner affects any of the guaranteed rights of the appellants herein. The order under which the appellants herein were entrusted with a duty of cooking the mid-day meal itself does not confer any right and therefore, the question of taking of any right, as such, does not arise. The impugned decision obviously appears to have been taken by the Municipality pursuant to the instructions of the Government, which itself is in the realm of the policy decision. Implementation of schemes may depend upon variety of circumstances and the administration learns by experience and there is nothing wrong in changing the manner of implementation of the schemes by involving some more implementing agencies. The appellants cannot claim any monopoly as implementing agencies and insist that the same number of students/schools must be entrusted continuously and no other new implementing agency should be allowed to be intruded into in implementing the scheme.

Suffice it to hold that the impugned proceedings in no manner affects any of the rights of the appellants requiring our interference.

Sri O.Manohar Reddy, learned counsel for the appellants, however, submits that in the counter affidavit filed by the Municipality, some allegations are levelled against the appellants herein, which may adversely affect their right for consideration in future not only with regard to the present scheme but any scheme that may be entrusted to the DWCRA groups and if the decision is based on such allegations, they are entitled to notice and opportunity.

We find some force in the above submission made by the learned counsel for the appellants. We consider it appropriate to make it clear that the allegations made against the appellants herein in the counter affidavit shall not come in their way in any manner whatsoever in considering their future claims. The authorities shall not be influenced by those allegations made against the appellants and their future claims shall have to be considered on their own merits.

With the clarifications and observations as above, the writ appeals shall stand dismissed.

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B. SUDERSHAN REDDY, J.

Date:21.02.2005.

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C.V.RAMULU, J.

GS/GJ

To

1 The Commissioner, Anantapur Municipality, Anantapur.

2 The Joint Collector, Anantapur.

3. Two CCs to the GP for Revenue, High Court of A.P., Hyderabad (OUT)

4. Two C.Cs to the GP for School Education, High Court of Andhra Pradesh, Hyderabad (OUT)

5. Two C.D. Copies

6. Two CCs to GP for Municipal Administration and Uraban Development, High Court of A.P., Hyderabad (OUT)